

1 AN ACT concerning voters' pamphlets.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Election Code is amended by adding  
5 Article 12A as follows:

6 (10 ILCS 5/Art.12A heading new)

7 ARTICLE 12A. COUNTY VOTERS' PAMPHLET

8 (10 ILCS 5/12A-1 new)

9 Sec. 12A-1. Definitions. As used in this Article,  
10 unless the context otherwise requires:

11 "Board" means the State Board of Elections.

12 "Election authority" means a county clerk or a Board of  
13 Election Commissioners.

14 (10 ILCS 5/12A-5 new)

15 Sec. 12A-5. County voters' pamphlet. When directed by  
16 resolution of the county board, the election authority of any  
17 county shall prepare, print, and distribute a county voters'  
18 pamphlet for an election of judicial candidates.

19 (10 ILCS 5/12A-10 new)

20 Sec. 12A-10. Information required to be included in  
21 voters' pamphlet; deadline for distribution.

22 (a) If a county produces a county voters' pamphlet, the  
23 county voters' pamphlet shall include, when applicable, at  
24 least the following information:

25 (1) A sample ballot containing the names of  
26 candidates for the office of judge of the Supreme,  
27 Appellate, or Circuit Courts in the county.

28 (2) Requirements for a citizen to qualify as an

1 elector.

2 (3) Requirements for registration, transfer of  
3 registration, and re-registration.

4 (4) Instructions as to how an elector may obtain and  
5 use an absentee ballot.

6 (5) A statement that the voters' pamphlet may be  
7 used to assist electors at the polls.

8 (6) Elector instructions, including the right of an  
9 elector to request a second ballot if the first ballot is  
10 spoiled, the right of an elector to take into the voting  
11 booth a sample ballot marked in advance, and the right of  
12 an elector to seek assistance of the judges of election  
13 or someone of the elector's own choosing, other than the  
14 elector's employer or agent of that employer or officer  
15 or agent of the elector's union, in marking the ballot.

16 (7) The hours that the polling places are open.

17 (8) Any portraits and statements relating to  
18 candidates submitted under the provisions of this  
19 Article.

20 (9) A listing of the polling places.

21 (10) Any other information that the election  
22 authority considers to be appropriate or necessary to  
23 inform the voters.

24 (b) The election authority shall mail or otherwise  
25 distribute the county voters' pamphlet not later than the 7th  
26 day before the election.

27 (10 ILCS 5/12A-15 new)

28 Sec. 12A-15. Schedule and procedures for producing and  
29 distributing pamphlet; fees.

30 (a) The State Board of Elections shall by rule adopt a  
31 schedule and procedures for preparing, printing, and  
32 distributing county voters' pamphlets. The schedule and  
33 procedures shall include, but not be limited to, deadlines

1 for filing material for the voters' pamphlet and except as  
2 otherwise provided by law, the format of material to be  
3 submitted and the size and other requirements applicable to  
4 candidate portraits.

5 (b) The Board shall by rule adopt a schedule of fees to  
6 be charged by the election authority for including portraits  
7 of candidates and statements in the voters' pamphlet. The  
8 fees need not reflect the actual cost of producing the  
9 voters' pamphlet. The election authority shall refund the  
10 filing fee to any person who applies for the refund not later  
11 than the last day for filing material for inclusion in the  
12 voters' pamphlet. When a refund is made, the material for  
13 which the fee was paid shall not be included in the pamphlet.

14 (10 ILCS 5/12A-20 new)

15 Sec. 12A-20. Filing portrait and statement by or for  
16 candidate. Not later than the date specified by the Board,  
17 any candidate for election for the office of judge of the  
18 Supreme, Appellate, or Circuit Courts within the county, or  
19 an agent of the candidate, may file with the election  
20 authority of a county that prepares a county voters' pamphlet  
21 a portrait of the candidate and a typewritten statement of  
22 the reasons the candidate should be elected. The portrait and  
23 statement must comply with the applicable rules of the Board.  
24 The election authority shall not accept the filing of a  
25 statement or portrait of any candidate unless the filing is  
26 accompanied by the appropriate fee as prescribed by the  
27 Board.

28 (10 ILCS 5/12A-25 new)

29 Sec. 12A-25. Cost of pamphlet preparation. All fees  
30 collected by an election authority under this Act shall be  
31 transmitted to the State Board of Elections, as provided by  
32 rule of the Board, and deposited by the Board into the

1 General Revenue Fund. The State Board of Elections shall  
2 reimburse the election authority for the actual costs of  
3 preparing, printing, and distributing the county voters'  
4 pamphlet from an appropriation made by the General Assembly.

5 (10 ILCS 5/12A-30 new)

6 Sec. 12A-30. Content of statements; notice of material  
7 that may be excluded.

8 (a) Statements submitted for inclusion in a county  
9 voters' pamphlet by a candidate, political party, political  
10 committee, or other person shall consist only of words or  
11 numbers.

12 (b) The election authority shall specify on any  
13 instructions for filing a statement in the voters' pamphlet  
14 that the statement may be excluded under Section 12A-40.

15 (10 ILCS 5/12A-35 new)

16 Sec. 12A-35. Names of persons or organizations excluded  
17 from statements; exceptions.

18 (a) Except as provided in subsection (b) of this  
19 Section, the election authority shall not print the name of  
20 any person or organization in any statement of any candidate,  
21 filed for inclusion in a county voters' pamphlet, if the name  
22 of the person or organization is cited as supporting or  
23 endorsing the statement.

24 (b) The election authority may print the name of a  
25 person or organization in a statement submitted for inclusion  
26 in a county voters' pamphlet as supporting or endorsing the  
27 statement if:

28 (1) not later than the deadline for filing a  
29 statement with the election authority, the election  
30 authority receives a statement signed by the person, or  
31 by an authorized person on behalf of an organization,  
32 stating that the person consents to the use of the name

1 of the person or organization; or

2 (2) the name of a person or organization is used  
3 with a quotation made by the person on behalf of the  
4 person or by an authorized person on behalf of an  
5 organization, the quotation was disseminated to the  
6 public prior to its inclusion in the argument or  
7 statement, and the quotation is identified by its source  
8 and date.

9 (c) A person shall not submit a false signature under  
10 subsection (b) of this Section.

11 (10 ILCS 5/12A-40 new)

12 Sec. 12A-40. Type of material to be excluded from  
13 pamphlet; liability for libel; procedure if material  
14 excluded.

15 (a) The election authority shall reject any statement  
16 offered for filing and printing in a county voters' pamphlet  
17 that:

18 (1) contains any obscene, profane, or defamatory  
19 language;

20 (2) incites or advocates hatred, abuse, or violence  
21 toward any person or group; or

22 (3) contains any language that may not legally be  
23 circulated through the mails.

24 (b) Nothing in this Article shall make the author of any  
25 statement exempt from any civil or criminal action because of  
26 any defamatory statements offered for printing or contained  
27 in the voters' pamphlet. The persons writing, signing, or  
28 offering a statement for filing shall be deemed its authors  
29 and publishers.

30 (c) The Board shall by rule establish a procedure to  
31 notify a person who offered a statement that was rejected  
32 under this Section. Subject to voters' pamphlet deadlines,  
33 the procedure shall require the election authority to:

1           (1) make reasonable attempts to notify the person of  
2           the rejection; and  
3           (2) allow the person, if notified under paragraph  
4           (1) of this subsection, to revise the statement so that  
5           it does not violate the provisions of this Section.

6           (10 ILCS 5/12A-45 new)

7           Sec. 12A-45. Format of candidate's statement. The  
8           candidate's statement in a county voters' pamphlet shall  
9           begin with a summary of the following: occupation,  
10           educational and occupational background, and prior  
11           governmental experience.

12           (10 ILCS 5/12A-50 new)

13           Sec. 12A-50. Exemption from public records law.  
14           Notwithstanding any other provisions of law relating to  
15           public records, materials filed by a candidate for inclusion  
16           in a county voters' pamphlet are exempt from public  
17           inspection until the 4th business day after the final date  
18           for filing the materials.

19           (10 ILCS 5/12A-55 new)

20           Sec. 12A-55. Statements inadmissible in action to enjoin  
21           publication of pamphlet. Material submitted for inclusion in  
22           any county voters' pamphlet shall not be admitted as evidence  
23           in any suit or action against the election authority to  
24           restrain or enjoin the publication of the voters' pamphlet.